

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

EXTRAORDINARY

GOVERNMENT OF GOA, DAMAN AND DIU

Office of the Director, Elections

Notification

1-1-71/VP/EL

In exercise of the powers conferred by sections 13, 15 and 65 of the Goa, Daman and Diu Village Panchayats Regulation, 1962 (No. 9 of 1962) the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Village Panchayat (Election Procedure) Rules, 1967, namely:—

1. **Short title and commencement.**— (1) These rules may be called the Goa, Daman and Diu Village Panchayat (Election Procedure) (Fourth Amendment) Rules, 1972.

(2) They shall come into force at once.

2. **Amendment of rule 2.**— For rule 2 of the Goa, Daman and Diu Village Panchayat (Election Procedure) Rules, 1967 (hereinafter referred to as the "principal rules") the following shall be substituted, namely:—

"2. In these rules unless the context otherwise requires—

(a) "Director, Elections" means the Secretary to the Government, Law and Judiciary Department, Government of Goa, Daman and Diu.

(b) "Election" means an election to fill a seat or seats in a Panchayat.

(c) "Regulation" means the Goa, Daman and Diu Village Panchayats Regulation, 1962.

(d) "Returning Officer" means the Mamlatdar of the Taluka in whose jurisdiction a Panchayat is situate.

(e) "Section" means a section of the Regulation.

(f) "Voter" means a person entitled under sections 13 and 14 of the Regulation to vote at an election.

(g) Words and expressions used but not defined in these rules, shall have the meanings respectively assigned to them in the Regulation.

3. **Amendment of rule 23.**— For rule 23 of the principal rules, the following shall be substituted, namely:—

"23. **Death of candidates before the poll.**— If a candidate whose nomination has been found valid on scrutiny under rules 14 and 15 and who has not withdrawn his candidature under rule 17, dies and a report of his death is received before the publication of the list of contesting candidates under rule 20, or if a contesting candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Collector and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election.

Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll.

Provided further that no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 17 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding".

4. **Amendment of rule 27.**— In rule 27 of the principal rules—(i) in clause (a) of the sub-rule (1) the word "and" appearing after the semicolon shall be deleted and after the existing clause (a), the following shall be inserted namely:—

"(aa) Persons authorised by the Director, Elections; and"

(ii) for proviso to sub-rule (2), the following shall be substituted, namely:—

"Provided further that each contesting candidate shall be allowed to appoint in Form No. 13 one polling agent and two relief agents at each polling station".

5. **Amendment of rule 38.**—In sub-rule (4) of rule 38 of the principal rules, for the word "pool" the word "poll" shall be substituted.

6. **Amendment of Rule 44.**—In rule 44 of the principal rules—

(i) For the item (iii) of sub-rule (3), the following shall be substituted, namely:—

"(iii) The Returning Officer shall ensure that the voter is not allowed to vote at any polling station".

(ii) in sub-rule (6), for the words "An voter" the words "Any voter" shall be substituted.

7. **Insertion of new rules.**—After rule 47 of the principal rules, the following shall be inserted, namely:—

"47A. **Appointment of counting agents.**—(1) The number of counting agents that a candidate may appoint shall not exceed ten at the place fixed for counting under rule 47.

(2) Every such appointment shall be made in Form No. 14.

(3) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the Returning Officer not later than one hour before the time fixed for counting under rule 47, his appointment in Form No. 14 made under sub-rule (2)".

"47B. **Admission to the place fixed for counting.**—(1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except—

(a) such persons (to be known as counting supervisors and counting assistants) as he may appoint to assist him in the counting;

(b) persons authorised by the Director, Elections;

(c) public servants on duty in connection with the election; and

(d) candidates and their counting agents.

(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer may be removed from the place where the votes are being counted by the Returning Officer or by any police officer on duty or by any person authorised in this behalf by the Returning Officer".

"47C. **Maintenance of secrecy of voting.**—The Returning Officer shall, before he commences the counting, read out the provisions of section 128 of the Representation of the People Act, 1951, to such persons as may be present".

"47D. **Counting of votes received by post.**—(1) The Returning Officer shall first deal with the

postal ballot papers in the manner hereinafter provided.

(2) No cover in Form No. 18 received by the Returning Officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the Returning Officer shall first scrutinise the declaration in Form No. 16 contained therein.

(4) If the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in Form No. 17, that cover shall not be opened, and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper therein contained.

(5) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form No. 18 and all such covers in Form No. 18 shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the panchayat, the number or the name of ward and the date of counting.

(6) The Returning Officer shall then place all the declarations in Form No. 16 which he has found to be in order in a separate packet which shall be sealed before any cover in Form No. 17 is opened and on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form No. 17 not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the Returning Officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereon.

(8) A postal ballot paper shall be rejected—

(a) if it bears any mark (other than the mark to record the vote) or writing by which the elector can be identified; or

(b) if no vote is recorded thereon; or

(c) if votes are given on it in favour of more candidates than one; or

(d) if it is a spurious ballot paper; or

(e) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(f) if it is not returned in the cover sent along with it to the elector by the Returning Officer.

(9) A vote recorded on a postal ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.

(10) A vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(11) The Returning Officer shall count all the valid votes given by postal ballot in favour of each candidate, record the total thereof in the result sheet in Form No. 20 and announce the same.

(12) Thereafter, all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seals of the Returning Officer and of such of the candidates, their counting agents as may desire to affix their seals thereon and on the packet so sealed shall be recorded the following particulars, namely: —

(a) the name of the panchayat;

(b) the number or the name of ward; and
(c) the date of counting”.

8. Amendment of Form No. 14. — In Form No. 14 appended to the principal rules, for the brackets, words and figures “[See Rule 48 (vi)]” the following brackets, words and figures shall be substituted, namely: —

“[see Rule 47A, (2)]”.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Borkar, Under Secretary (Law).

Panaji, 9th November, 1972.